

Court of Appeals, State of Michigan

ORDER

Carrie Heath v Fred E. Edinger

Docket No. 261231

LC No. 03-000468-NI

David H. Sawyer
Presiding Judge

Janet T. Neff

Michael R. Smolenski
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, that part of the trial court's February 22, 2005, order denying the motion for summary disposition is VACATED for the reason that the trial court failed to acknowledge or apply judicial precedent for understanding what the Legislature meant by an "objectively manifested impairment." For an impairment to be objectively manifested, there must be a medically identifiable injury or condition that has a physical basis. *Jackson v Nelson*, 252 Mich App 643; 654 NW2d 604 (2002). This case is REMANDED for entry of an order granting the motion for summary disposition. We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 11 2005

Date

Sandra Schultz Mengel
Chief Clerk